

Congress of the United States

Washington, DC 20515

January 29, 2003

The Honorable John D. Ashcroft
Attorney General of the United States
U.S. Department of Justice
10th Street and Constitution Avenue, N.W.
Washington, DC 20510

Dear Mr. Attorney General:

We write to ask you to immediately terminate the Justice Department's new policy directing the fifty-six FBI field offices to count the number of mosques and Muslims, as well as other community groups and religious organizations, in their areas. We have written to you many times since September 11, 2001, regarding our concern that the Department is practicing racial, ethnic and religious profiling in its attempts to fight the war on terrorism. The new policy concerning local Muslim populations and mosques, as well as other local ethnic and religious groups, is just the latest episode in what seems to be an unconstitutional abuse of power.

According to published reports, it is our understanding that this information is to be used to determine goals for counter terrorism investigations and secret wiretaps. If this is indeed the case, we are further troubled at not only your Department's apparent disregard for the constitutional guarantee of equal protection and religious freedom, but also our citizens' fundamental right to privacy and due process of law.

It is also our understanding that considerable pressure has been put on local field offices by top FBI officials including Director Robert Mueller himself. For example, if local field offices do not meet their goals, they may be subjected to special reviews by teams from FBI headquarters. We are very concerned that this pressure will further exacerbate the potential for local field agents to overstep constitutional boundaries in an attempt to appease their superiors.

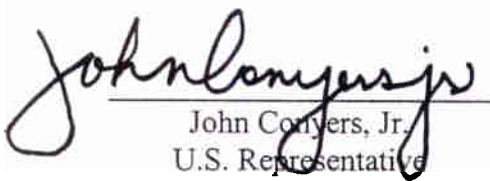
We are as concerned as anyone about the potential of undetected " sleeper cells " of terrorist activity here in the United States. And we applaud the many ways your department has gone about identifying potential terrorist threats including identifying the number of "vulnerable assets" in an area (such as bridges, dams, and nuclear plants). But we cannot sanction the targeting of Muslim populations and mosques, or any other community group or institution, to gather intelligence without any suspicion or cause that a specific individual or group of individuals, or a particular mosque or religious organization, is engaging in terrorist activities. We urge you to follow the constitutionally prescribed channels of investigation to ensure that the rights of American citizens are not violated.

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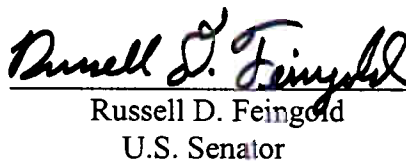
We would like to once again remind you that both President Bush and yourself are on record as opposing racial profiling. Yet, your Department's continuing use of race, ethnicity and religion to scrutinize the American Muslim community smacks of a double standard.

It would be appreciated if we could receive a response to this letter by February 3, 2003, and we would also appreciate receiving a staff briefing on your rationale for the program and its constitutionality. Please contact the Judiciary Committee staff at 225-6504 to follow up on this matter. Thank you.

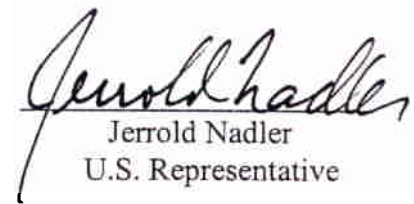
Sincerely,



John Conyers, Jr.
U.S. Representative



Russell D. Feingold
U.S. Senator



Jerrold Nadler
U.S. Representative

cc: F. James Sensenbrenner, Jr., U.S. Representative
Jamie Brown, Acting Assistant Attorney General